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SUPREME COURT, U.S.

No. 98-652

IN THE
Supreme Court of the United States
OCTOBER TERM, 1998

SBC COMMUNICATIONS INC., *et al.*,
Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION, *et al.*,
Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

BRIEF FOR RESPONDENT BELL ATLANTIC SUPPORTING PETITIONERS

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RULE 29.6 STATEMENT

Bell Atlantic Corporation has no parent companies. It owns the following subsidiaries having securities in the hands of the public: Bell Atlantic-Delaware, Inc., Bell Atlantic-Maryland, Inc., Bell Atlantic-New Jersey, Inc., Bell Atlantic-Pennsylvania, Inc., Bell Atlantic-Virginia, Inc., Bell Atlantic-Washington, D.C., Inc., Bell Atlantic-West Virginia, Inc., Bell Atlantic Financial Services, Inc., NYNEX Corporation, New York Telephone Company, New England Telephone and Telegraph Company, Bell Atlantic Credit Corporation, and Bell Atlantic Global Funding Corporation. In addition, Bell Atlantic has the following non-wholly owned subsidiaries: One Parkway, Inc., ICA Foreign Financial, Inc., Chesapeake Directory Sales Company, Atlantic West B.V., Grupo Iusacell, S.A. de C.V., Bell Atlantic New Zealand Holdings, Inc., PrimeCo Personal Communications, L.P., Washington, D.C. SMSA Limited Partnership, New York SMSA Limited Partnership, Upstate Cellular Network, Orange County Poughkeepsie MSA Limited Partnership, Pittsfield Cellular Telephone Company, Allentown SMSA Limited Partnership, Reading SMSA Limited Partnership, Pittsburgh SMSA Limited Partnership, Pennsylvania RSA No. 6(II) Limited Partnership, Columbia Cellular Telephone Company, Anderson Cellular Telephone Company, Las Cruces Cellular Telephone Company, TELE-TV, TELE-TV Media, L.P., TELE-TV Systems, L.P., NYNEX Master Lease Partners, Global Directory Services Company, MEDIATEL spol. s.r.o., Bell Atlantic Information Services Hellas S.A., Polskie Ksiazki Telefoniczne Sp. z o. o., Nord Trans Biuro Reklam Sp. z o. o., NYNEX Worldwide Directories Company, Kipling Associates L.L.C., NYNEX International (Asia) Ltd., and Gibraltar NYNEX Communications Limited.

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Petitioners SBC, U S WEST, *et al.* seek review of the Fifth Circuit judgment upholding the five challenged Special Provisions Concerning Bell Operating Companies, 47 U.S.C. §§ 271-275, which impose on a closed class of 20 named persons (47 U.S.C. § 153(4)) substantial prohibitions and restrictions on their freedom to engage in a wide range of otherwise lawful commercial activity. Bell Atlantic Corporation separately has sought review of the judgment by its own petition for a writ of certiorari, docketed as No. 98-653. Bell Atlantic's petition presents all three of the distinct constitutional challenges to the Special Provisions: bill of attainder, separation of powers, and equal protection. As an appellee in the Fifth Circuit, Bell Atlantic is a respondent here, pursuant to this Court's

Rule 12.6. Bell Atlantic supports the grant of the petition filed by SBC, U S WEST, *et al.*, as well as its own petition.

The petitions for writs of certiorari should be granted.

Respectfully submitted.

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